

1 HOUSE BILL NO. 939
2 INTRODUCED BY J. GILLETTE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING IMPLEMENTATION OF THE CERTIFIED
5 COMMUNITY BEHAVIORAL HEALTH CLINIC MODEL; ESTABLISHING DUTIES OF THE DEPARTMENT OF
6 PUBLIC HEALTH AND HUMAN SERVICES; ESTABLISHING REQUIREMENTS AND PERFORMANCE
7 MEASURES FOR CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC SERVICES; ESTABLISHING
8 REPORTING REQUIREMENTS; AND PROVIDING EFFECTIVE DATES."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 NEW SECTION. **Section 1. Certified community behavioral health clinics -- department duties --**
13 **reporting requirement.** (1) Subject to available funding, the department shall establish a program no later than
14 July 1, 2025, for the implementation of certified community behavioral health clinics that meet the requirements
15 of Public Law 113-93 and related federal regulations and guidance.

16 (2) In determining the reimbursement rate for a certified community behavioral health clinic under
17 the healthy Montana kids plan provided for under Title 53, chapter 4, part 11, and the medical assistance
18 program provided for in Title 53, chapter 6, the department shall:

19 (a) establish and execute clear criteria of the costs that are allowed and disallowed in the
20 development of the encounter rate to be paid to a certified community behavioral health clinic under a
21 prospective payment system;

22 (b) establish and execute a detailed plan for analyzing cost reports submitted by providers seeking
23 to become certified community behavioral health clinics to ensure that the encounter rate developed for the
24 provider accurately reflects the actual costs of providing care and that disallowed costs are not included in the
25 rate; and

26 (c) rebase the rate in accordance with federal guidance, but no less frequently than every 2 years.

27 (3) The department shall monitor and evaluate certified community behavioral health clinic
28 services, outcomes, and impacts. Monitoring and evaluation efforts must include but are not limited to:



1 (a) developing and implementing a plan to reduce duplicative billing of services, fraud, waste, and
2 abuse;

3 (b) reviewing data on quality measures reported by each certified community behavioral health
4 clinic;

5 (c) establishing the circumstances under which a certified community behavioral health clinic
6 would lose its certification; and

7 (d) determining the costs to the medicaid program or other state-funded programs of providing
8 behavioral health care services in a community or region before implementation of the certified community
9 behavioral health clinic program and the costs, including any cost reductions, of providing those services after
10 implementation of the certified community behavioral health clinic program. The costs must include payment for
11 hospitalizations and emergency department visits.

12 (4) The department shall provide regular updates to the children, families, health, and human
13 services interim committee and the health and human services interim budget committee on:

14 (a) the status of implementation of certified community behavioral health clinics;

15 (b) the impacts of implementation on services for individuals with behavioral health needs;

16 (c) quality health outcomes;

17 (d) the percentage of high users of medicaid services who have reduced use of medicaid-funded
18 services; and

19 (e) the community and state-level costs and costs savings related to certified community
20 behavioral health clinics.

21

22 **NEW SECTION. Section 2. Certified community behavioral health clinic requirements -- billing**

23 **practices -- performance measurements.** (1) In addition to the services required under federal law and

24 regulation, a certified community behavioral health clinic shall directly provide the following services:

25 (a) targeted case management;

26 (b) peer and family caregiver services and supports; and

27 (c) outreach and education as specified in subsection (4).

28 (2) A certified community behavioral health clinic may directly provide or contract with a third party

1 to provide the following services:

- 2 (a) outpatient primary care screening and monitoring;
- 3 (b) services for veterans and members of the armed forces; and
- 4 (c) psychiatric rehabilitation services.

5 (3) (a) If a screening indicates that a person is in urgent need of services, a certified community
 6 behavioral health clinic shall provide clinical services and an initial evaluation within 1 day of the first contact
 7 with the patient.

8 (b) A certified community behavioral health clinic shall provide a new patient with a comprehensive
 9 person-centered and family-centered diagnostic and treatment planning evaluation. The evaluation must be
 10 completed within 30 calendar days of the patient's first request for services.

11 (4) A certified community behavioral health clinic shall provide outreach and education by:

12 (a) establishing an outreach team to work in hospitals and critical access hospitals to encourage
 13 individuals presenting with behavioral health needs at an emergency department to obtain ongoing behavioral
 14 health treatment through the clinic to reduce the need for emergency department care;

15 (b) designating clinicians to work with local law enforcement agencies in order to:

16 (i) train law enforcement officers in methods for responding to individuals with behavioral health
 17 needs; and

18 (ii) respond directly to individuals who have come into contact with law enforcement because of
 19 behavioral health issues; and

20 (c) designating staff members to encourage the use of the clinic's services by individuals who use
 21 a high volume of medicaid resources but who have not been actively receiving behavioral health treatment.

22 (5) The billing practices of a certified community behavioral health clinic must:

23 (a) provide that private insurance plans are billed first and that medicaid is billed as a payer of last
 24 resort;

25 (b) include an income-based sliding fee scale that is made public; and

26 (c) establish that the certified community behavioral health clinic may not refuse services to a
 27 person who is unable to pay.

28 (6) In addition to any federally required reporting, each certified community behavioral health clinic

1 shall collect and report to the department, in a deidentified manner, data on the following quality measures:

2 (a) changes in the functional assessment scores of patients; and

3 (b) baseline and subsequent changes in a patient's:

4 (i) status as housed or unhoused;

5 (ii) engagement in work; and

6 (iii) law enforcement involvement.

7 (7) A certified community behavioral health clinic that contracts with another provider for services

8 as allowed under federal law and regulations and this section is responsible for:

9 (a) collecting and reporting on the data required under subsection (6) and any other information

10 required by the department; and

11 (b) ensuring that the contracted provider follows all applicable state and federal laws and

12 regulations.

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14 NEW SECTION. Section 3. Appropriation. The following amounts are appropriated to the
15 department of public health and human services for the purposes of preparing for the implementation of
16 certified community behavioral health clinics as provided in [section 1]:

| | General Fund | Federal Special |
|---------------------|--------------|-----------------|
| 17 Fiscal Year 2024 | \$327,109 | \$327,109 |
| 18 Fiscal Year 2025 | \$325,832 | \$325,832 |

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21 NEW SECTION. Section 4. Codification instruction. [Sections 1 and 2] are intended to be codified
22 as an integral part of Title 53, chapter 21, part 10, and the provisions of Title 53, chapter 21, part 10, apply to
23 [sections 1 and 2].

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25 NEW SECTION. Section 5. Effective dates. (1) Except as provided in subsection (2), [this act] is
26 effective on passage and approval.

27 (2) [Section 3] is effective July 1, 2023.

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